IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT
HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1359 of 2004
&
Writ Petition No.25966 of 1998

W.A.No.1359 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/01/2002 in W.P.No.25966 of 1998 on the file of the High Court.)

Between:

Mahanthy Papa Rao,
S/o. Late Vengaiah,
D.No. 10-50-34, Ramnagar,
Visakhapatnam.

.....
APPELLANT

AND

1 The Commissioner & Special Officer,
Municipal Corporation of Visakhapatnam.
2 State of A.P. represented by the District Collector,
Visakhapatnam.
3 Special Officer & Competent Authority
Urban Land Ceilings, Visakhapatnam.
4 The State of A.P. represented by the
Secretary, Revenue Department,
Secretariat, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant :Mr. I.V.S.Rao for Mr. K.ASHOK REDDY

Counsel for Respondents No.2 to 4 : Govt. Pleader for Revenue

Counsel for the Respondent No.1 : Mr. D.Srinivas

The Court made the following :

W.P.No.25966 of 1998

Between:

Mahanthy Papa Rao,
S/o. Late Vengaiah,
D.No. 10-50-34, Ramnagar,
Visakhapatnam.

.....
PETITIONER

AND

1 The Commissioner & Special Officer,
Municipal Corporation of Visakhapatnam.
2 State of A.P. represented by the District Collector,
Visakhapatnam.
3 Special Officer & Competent Authority
Urban Land Ceilings, Visakhapatnam.
4 The State of A.P. represented by the
Secretary, Revenue Department,
Secretariat, Hyderabad.

.....RESPONDENTS

(R-4 is impleaded as per court order dated 17-12-1998 in WPMP No.33578 of 1998)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari, call for the records from R-1 & R-3 and to quash the impugned orders of R-1 and R-3 material document Nos.10 and 11 herein submitted.

Counsel for the Petitioner :Mr.I.V.S.Rao for Mr. K.Ashok Reddy

Counsel for Respondents No.2 to 4 : Govt. Pleader for Revenue

Counsel for the Respondent No.1 : Mr. D.Srinivas

The Court made the following :

JUDGMENT: (Per Hon'ble the Chief Justice)

After making submissions in the appeal in which appellant has questioned the legality and validity of the order passed by the learned single Judge in W.P.No.25966 of 1998 dated 04-01-2002, learned counsel for the appellant submits that appellant may be permitted to withdraw the very writ petition reserving liberty to the appellant to seek redressal in appropriate Civil Court of competent jurisdiction, to which there is no objection from the respondents.

Accordingly, the writ appeal is allowed and the impugned order passed by the learned single Judge in the writ petition is set aside. Appellant is permitted to withdraw Writ Petition No.25966 of 1998 with liberty reserved to him to seek redressal of his grievance in a Civil Court of competent jurisdiction.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

22-09-2004

bsc

To

1 The Commissioner & Special Officer,
Municipal Corporation of Visakhapatnam.

2 The District Collector,
Visakhapatnam.

3 Special Officer & Competent Authority
Urban Land Ceilings, Visakhapatnam.

4 The Secretary, Revenue Department,
State of A.P.,
Secretariat, Hyderabad.

5. Govt. Pleader for Revenue, High Court buildings, Hyderabad (OUT)

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